

SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

SUBJECT: Crowley Circle (1866) Drainage and Utility Vacate

DEPARTMENT: Planning and Development **DIVISION:** Development Review

AUTHORIZED BY: Dori DeBord

CONTACT: Tony Walter

EXT: 7349

MOTION/RECOMMENDATION:

1. Adopt and authorize the Chairman to execute the Resolution to vacate and abandon a portion of the drainage and utility easement as shown on Lot 176, Mandarin Section Five Plat, as recorded in Plat Book 28, Pages 45 through 47 in Section 24, Township 20S, Range 29E, as requested by Carol C. Yandell, applicant.
2. Deny the request to vacate and abandon a portion of the drainage and utility easement as shown on Lot 176, Mandarin Section Five Plat, as recorded in Plat Book 28, Pages 45 through 47 in Section 24, Township 20S, Range 29E, as requested by Carol C. Yandell, applicant.
3. Continue the public hearing to a time and date certain.

District 5 Brenda Carey

Tony Walter

BACKGROUND:

Carol C. Yandell, applicant is requesting to vacate and abandon a portion of the drainage and utility easement as shown on Lot 176, Mandarin Section Five Plat, as recorded in Plat Book 28, Pages 45 through 47 in Section 24, Township 20S, Range 29E of the Public Records of Seminole County, Florida. The request is to cure the encroachment of an existing 12 foot by 12 foot shed into the drainage and utility easement.

The Seminole County Board of Adjustment approved the request for a rear yard setback variance from 35 feet to 3 feet and side yard (south) setback from 20 feet to 4 feet for the existing shed. A copy of the approved development order is attached.

Staff has determined that vacating and abandonment of that portion of the platted drainage easement would not diminish the effectiveness of the subdivision's drainage system. The applicant has provided letters from all applicable utility companies stating "no objections" to the request.

STAFF RECOMMENDATION:

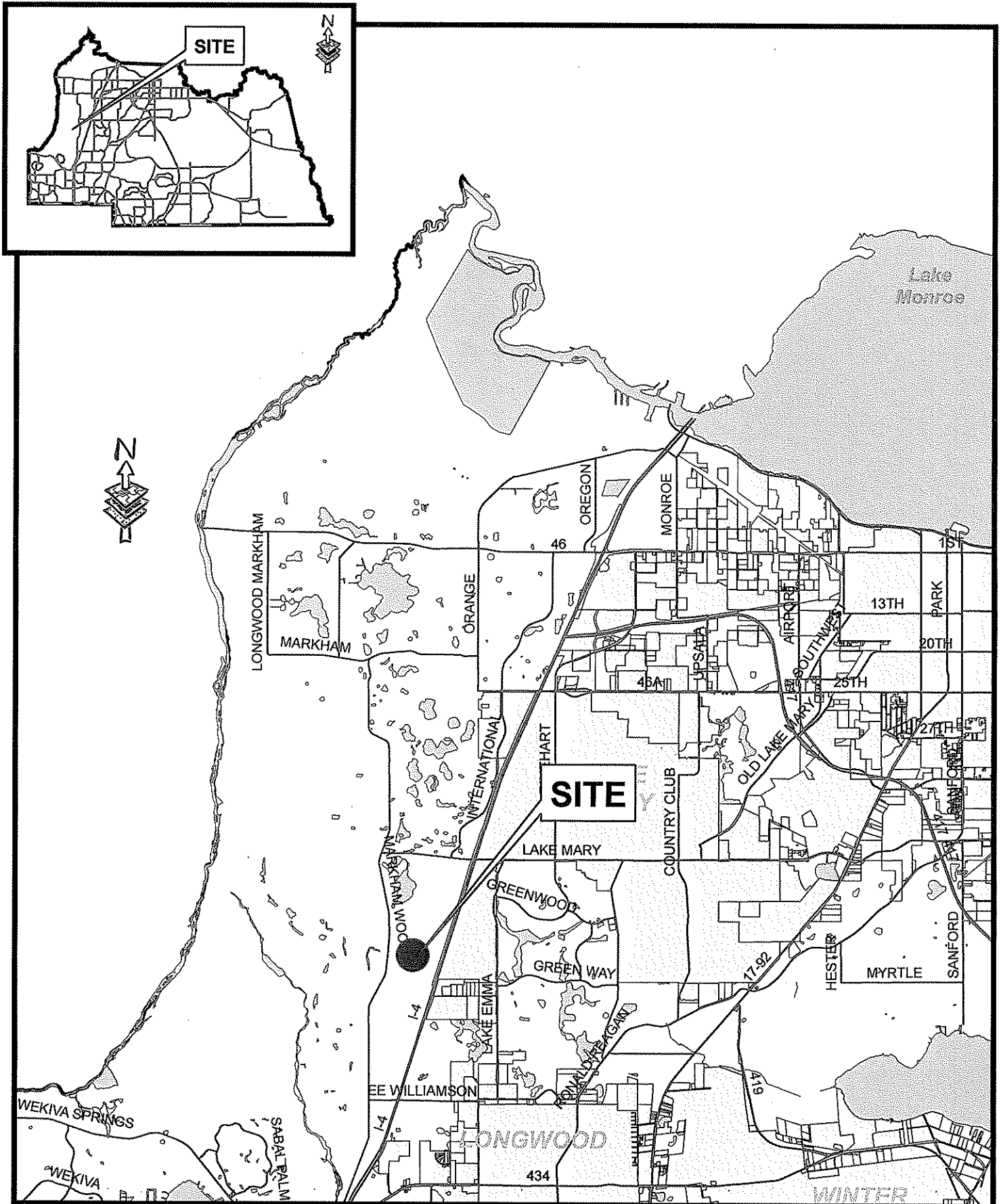
Staff recommends that the Board adopt and authorize the Chairman to execute the Resolution to vacate and abandon a portion of the drainage and utility easement as shown on Lot 176, Mandarin Section Five Plat, as recorded in Plat Book 28, Pages 45 through 47 in Section 24, Township 20S, Range 29E.

ATTACHMENTS:

1. Maps and Aerials
2. Maps and Aerials
3. Maps and Aerials
4. Resolution
5. Resolution
6. Development Order for Variance

Additionally Reviewed By:

☒ County Attorney Review (Kathleen Furey-Tran)



Filename: L:\projects\p&z\2006\GIS\staff_report_pkgs\itemape_large\Z2006-041eitemap.mxd 08/09/06



Area Map
Crowley Circle (1866)
Utility & Drainage Vacate



Crowley Circle (1866)
Utility & Drainage Vacate





 Parcel
 Subject Property



**Crowley Circle (1866)
Utility & Drainage Vacate**

THE FOLLOWING RESOLUTION WAS ADOPTED AT THE REGULAR MEETING OF THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA ON THE 12th DAY OF February A.D., 2008.

**RESOLUTION TO VACATE AND ABANDON A
DRAINAGE EASEMENT**

.....
Whereas, a Petition was presented on behalf of

Carol Yandell

to the Board of County Commissioners of Seminole County, Florida, requesting the closing, vacating and abandoning of the following described utility and drainage easement to-wit:

SEE SKETCH AND DESCRIPTION ATTACHED AS EXHIBITS "A"

Whereas, after due consideration the Board of County Commissioners of Seminole County, Florida, has determined that the abandonment of the above described utility and drainage easement is in the best interest of the County and the public.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Seminole County, Florida, that the above described utility and drainage easement be, and the same is hereby abandoned, closed and vacated, and that all right in and to the same on behalf of the County and the public is hereby disclaimed.

PASSED AND ADOPTED this 12th day of February A.D., 2008.

ATTEST:

**BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA**

BY: _____

MARYANNE MORSE

**CLERK OF THE CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA**

BRENDA CAREY

CHAIRMAN

Sketch of Description

Sheet 1 of 2

Legal Description:

A Portion of Lot 176, MANDARIN SECTION FIVE, according to the Plat thereof, as recorded in Plat Book 28, Pages 45 through 47, Public Records of Seminole County, Florida, being more particularly described as follows:

Commencing at the Southwest Corner of Lot 176, MANDARIN SECTION FIVE, according to the Plat thereof, as recorded in Plat Book 28, Pages 45 through 47, Public Records of Seminole County, Florida, run thence along the West Property Line of said Lot 176, North 00°14'58" East, a distance of 4.30 feet to a point; thence departing said West line, South 89°45'02" East, a distance of 3.03 feet to a point, said point also being the POINT OF BEGINNING of the herein described Property; thence North 03°28'40" East, a distance of 12.20 feet to a point; thence South 86°31'20" East, a distance of 3.79 feet to a point on the Easterly line of a Platted 7.5 Utility & Drainage Easement; thence along said Easterly Easement line, parallel to the West Property line, South 00°14'58" West, a distance of 10.78 feet to a point on the Northerly line of a Platted 7.5' Utility Easement; thence departing said Easterly Easement line, South 72°07'15" East, along the Northerly Easement line and parallel to the Southerly Property line of said Lot 176, a distance of 5.76 feet to a point; thence departing said Northerly Easement line, North 86°31'20" West, a distance of 9.98 feet to the above described POINT OF BEGINNING.

Said Property containing 54.4 square feet, 0.001 acres more or less.

The intent of the above Legal Description is to encompass and describe that portion of the existing Wood Frame Shed that encroaches into the Platted 7.5' Utility & Drainage Easement along the West Property line and the Platted 7.5' Utility Easement lying along the Southerly Property Line of Lot 176, MANDARIN SECTION FIVE, according to the Plat thereof, as recorded in Plat Book 28, Pages 45 through 47, Public Records of Seminole County, Florida.

This is NOT a Survey.
This is ONLY a Sketch.

Sketch of Description Prepared For: Dr. Thomas Yandell

Sketch of Description Certified To:

Dr. Thomas Yandell

Sketch Date: 11-28-07

Drawn By: SP

Approved By: EHH

Field: None

<> This Property is NOT in a Flood Prone Area, Zone "X", Based on the F.I.R.M. (Flood Insurance Rate Map (F.I.R.M.) Community Number 12117C Panel No. 0135 E Dated 09-28-07.
<> Flood Zone Determination Shown Hereon is Given as a Courtesy, and is Subject to Final Approval by F.E.M.A. This Determination may be affected by Flood Factors and/or other information NEITHER known by NOR given to this Surveying Company at the time of this Endeavor.
JPI Surveying & Mapping, Inc. and the Signing Surveyor assume NO Liability for the Accuracy of this Determination.

Notes-

- > Sketch is Based upon the Legal Information Supplied by Client.
- > Abutting Properties Deeds have NOT been Researched for Gaps, Overlaps and/or Hiatus.
- > Subject to any Easements and/or Restrictions of Record.
- > Bearing Basis shown hereon, is Assumed and Based upon the Line Denoted with a "BB".
- > Building Ties are NOT to be used to Reconstruct Property Lines.
- > Ownership of Fences, if any shown hereon this Sketch, is NOT determined.
- > Roof Overhangs, Underground Utilities and/or Footers have NOT been located UNLESS otherwise noted.
- > Septic Tanks and/or Drainfield locations are approximate and MUST be verified by appropriate Utility Location Companies.
- > Use of This Sketch for Purposes other than Intended, Without Written Verification, Will be at the User's Sole Risk and Without Liability to the Surveyor. Nothing Hereon shall be Construed to Give ANY Rights or Benefits to Anyone Other than those Certified.

-Legend-

C	- Calculated	PC	- Point of Curvature
CL	- Centerline	Pg.	- Page
CB	- Concrete Block	PI	- Point of Intersection
CM	- Concrete Monument	P.O.B.	- Point of Beginning
Conc.	- Concrete	P.O.C.	- Point of Commencement
D	- Description	P.O.T.	- Point of Terminus
DE	- Drainage Easement	PRM	- Permanent Reference Monument
Easmt.	- Easement		
F.E.M.A.	- Federal Emergency Management Agency	PT	- Point of Tangency
FFE	- Finished Floor Elevation	R	- Radius
Fnd.	- Found	Rad.	- Radial
IP	- Iron Pipe	R/W	- Right-of-Way
L	- Length (Arc)	Rec.	- Recovered
M	- Measured	Rfd.	- Roofed
N&D	- Nail & Disk	Sel	- Set 5/8" Rebar
N.R.	- Non-Radial	Rebor	- & Cap "LB 7623"
ORB	- Official Records Book	Typ.	- Typical
P	- Plat	UE	- Utility Easement
P.B.	- Plat Book	WM	- Water Meter
W	- Wood Fence	Δ	- Delta (Central Angle)
		-X-	- Chain Link Fence

I hereby Certify that this Sketch of the above Described Property is True and Correct to the Best of my Knowledge and Belief as recently Sketched under My Direction on the Date Shown, Based on Information Furnished to Me as Noted and Conforms to the Minimum Technical Standards for Land Surveying in the State of Florida in accordance with Chapter 61G17-6 Florida Administrative Codes, Pursuant to Section 472.027, Florida Statutes.

Edwin H. Hall
Edwin Harry Hall PSM 6244 LB 7623
Date Signed: 11-28-07

This Sketch is intended ONLY for the use of Said Certified Parties.
This Sketch NOT VALID UNLESS Signed and Embossed with Surveyor's Seal.
File No. IS-66

CADD File: \Scott's\c\IrelandAssociates\MANDARINSECTIONFIVE-IS66sketch

Ireland & Associates
Surveying, Inc.

4859 Cains Wren Trail
Sanford, Florida 32771

Office-407.678.3366

Fax-407.320.8165

Sketch of Description

S 89°45'02" E
288.86'(P)

7.5' Utility Easement

West Property Line of Lot 176

N 00°14'58" E 139.60'(P)
N 00°14'57" E 139.56'(M)

Lot 181

7.5' Utility & Drainage Easement

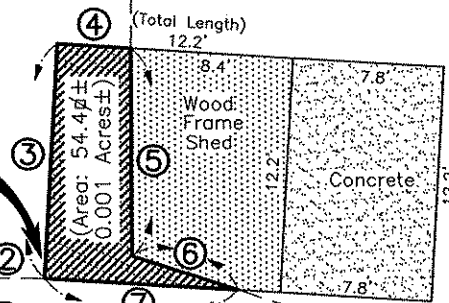
Easterly Line of Easement

Line Datum Table

#	Bearing	Distance
1	N 00°14'58" E	4.30'
2	S 89°45'02" E	3.03'
3	N 03°28'40" E	12.20'
4	S 86°31'20" E	3.79'
5	S 00°14'58" W	10.78'
6	S 72°07'15" E	5.76'
7	N 86°31'20" W	9.98'

Lot 176

P.O.B.



0.3'

Fnd. 1/2" Rebar (No Identification)

P.O.C.

SW Corner of Lot 176

Southerly Property Line of Lot 176

7.5' Utility Easement

Northerly Line of Easement

N 72°07'15" W 259.33'(M)
N 72°07'15" W 259.32'(P)

Fnd. 1/2" Rebar (No Identification)

Lot 182

Lot 175

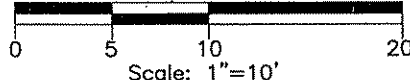
Ireland & Associates
Surveying, Inc.

4859 Cains Wren Trail
Sanford, Florida 32771

Office-407.678.3366

Fax-407.320.8165

Graphic Scale



This is NOT a Survey.
This is ONLY a Sketch.

Order**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
 1. The variance granted will apply only to the existing shed as depicted on the attached site plan.
- (4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.
- (5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On January 22, 2007 Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg Lot 176 Mandarin Sec 5 PB 28 PGS 45 to 47

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Carol Yandall
1866 East Crowley Circle
Longwood, Fl. 32779

Project Name: 1868 East Crowley Circle

Requested Development Approval:

Request for a (1) rear yard setback variance from 35 feet to 3 feet and (2) side yard (south) setback from 20 feet to 4 feet for an existing shed in RC-1 (Country Home District)

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by Kathy Fall, Principal Planner
1101 East First Street
Sanford, Florida 32771

MARYANNE MORSE, CLERK OF CIRCUIT COURT
CLERK OF SEMINOLE COUNTY
BK 06611 Pgs 0091 - 94; (4pgs)
FILE NUM 2007033192
RECORDED 03/05/2007 03:18:54 PM
RECORDING FEES 35.50
RECORDED BY G Harford

Done and Ordered on the date first written above.

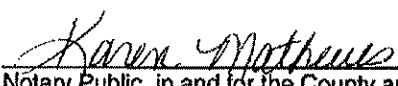
By: 

April Boswell, AICP
Planning Manager

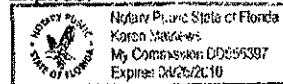
STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is ~~personally known~~ to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this 27 day of February, 2007.


Notary Public, in and for the County and State
Aforementioned

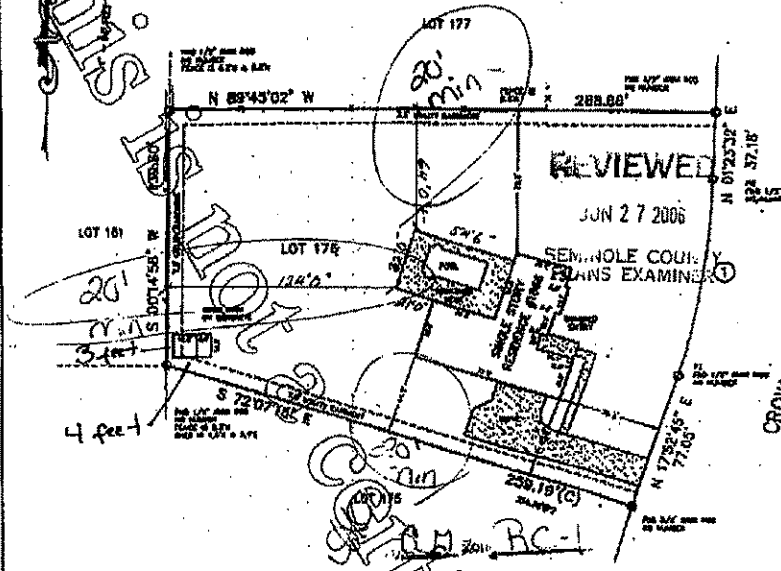
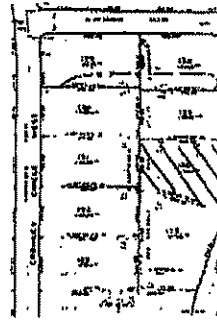
My Commission Expires:



Lot 176, MANDARIN SECTION FIVE, according to the plat thereof,
as recorded in Plat Book 28, Page(s) 43-47, of the Public Records of
Seminole County, FL

Community number: 170289 Parcel: 0130
Survey: S.F.L.R.M. Date: 4/17/95 Flood Zone: X
Date of field work: 5/14/02 Completion Date: 5/14/02

Certified to:
Thomas F. Vandell; Carol C. Vandell; Benchmark Title Agency, Inc.;
Commonwealth Land Title Insurance Company; Division One
Mortgage Company, LLC, its successors and/or assigns.



① R = 379.93' LOT 182
Δ = 18°29'13"
L = 109.33'
CB = N 09°38'09" E

LEADER	WOOD PENCE	XXXX	BLK 1 WALL
1	WATER PENCE	0	CENTRAL ANGLE OF LOT
2	FOUNDATIONAL	01	DEED BOOK
3	PROPERTY CORNER	02	DEED BOOK
4	RECORD	03	DEED BOOK
5	RECORD	04	DEED BOOK
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7	RECORD	06	DEED BOOK
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LEGIBILITY UNSATISFACTORY
FOR SCANNING